

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments, which follow.

As correctly noted in the Office Action Summary, claims 16-19 were pending. By the present response, claims 20-26 have been added, claims 16 and 18 have been amended, and claims 17 and 19 canceled. Thus, upon entry of the present response, claims 16, 18 and 20-26 remain pending and await further consideration on the merits.

Support for the present claim amendments can be found, for example, in at least the following portions of the disclosure: Pg. 10, lines 19-20; Pg. 11, lines 16-18; Pg. 12, lines 19-21; Pg. 13, lines 15-17; Pg. 17, lines 15-18; Pg. 18, lines 1-7; and the original claims.

Applicant thanks Examiners Oullette and Hayes for the courtesies extended to applicant's representatives during a personal interview conducted on August 4, 2005. In the interview, it was agreed that the proposed claim amendments would overcome the §112, ¶2 and §103 rejections of record. It was indicated that the amended claims would be reevaluated in light of the results of an updated search of the prior art. Applicant's representatives also advised that a supplemental Information Disclosure Statement (IDS) would be forthcoming. This IDS will be filed in a separate paper.

Claim Rejections Under 35 U.S.C. §112, ¶2

Claims 16 and 18 stand rejected under 35 U.S.C. §112, second paragraph on the grounds set forth in paragraph 3 of the official action. This rejection, as it would apply to the above-amended claims is traversed.

In paragraph 3 of the Official Action it is asserted that the previous claim language made it unclear as to "how the collected information could be both of these types of information concurrently or how the determined statistical information could be both of these types of information concurrently."

By the present response, Applicants have amended claims 16 and 18 in an attempt to remove any ambiguity with regard to the collected and statistical information. These proposed

changes were discussed in the personal interview of August 4, 2005, and it was agreed that the proposed changes satisfactorily addressed the concerns set forth in paragraph 3 of the Official Action. Thus, in light of the above, withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 16-19 stand rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 6,128,599 to Walker et al. (hereafter “*Walker et al.*”) on the grounds set forth in paragraph 5 of the Official Action. This rejection, as it would be applied to claims 16 and 18, as amended, is respectfully traversed.

The present invention is directed to methods and arrangements for aggregating and pooling information within a communication system, and providing feedback with regard thereto.

A method performed according to the principles of the present invention as set forth in amended claim 16. Amended claim 16 recites:

A method of aggregating information from individuals in a population thereof, said method comprising: a) coupling a client device to a data collection element for each of a plurality of individuals in the population; b) prompting each individual for health-related information, and collecting the health-related information for each individual at a client device associated with each individual; c) sending the collected information from said client devices to a server device; d) extracting the collected information from the data collection elements; e) generating statistical information from said collected information sent from a plurality of the client devices; f) distributing the statistical information to the individuals; and g) repeating steps a-d after a period of time has elapsed, wherein said statistical information comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals and a second statistical measure for a second subpopulation of individuals within the plurality of individuals.

A system constructed according to the principles of the present invention set forth in amended claim 18. Amended claim 18 recites:

A system for aggregating information for individuals in a population thereof, said system including: a data collection element disposed for collecting an individual value comprising health-related information for each of plurality of individuals in the population in response to a prompt received by the client device for the health-related information; a server device, disposed for receiving said individual values,

for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements; wherein said server device distributes said at least one aggregate value to a plurality of said client devices; wherein each of the client devices repeats collecting the individual value for the individual associated therewith, said server device repeats the determination of at least one aggregate value in response to the repeated collection performed by the client devices and said server device distributes the repeated determination of the at least one aggregate value to a plurality of said client devices, when a preset period of time has elapsed since the previous collection of individual values, determination of at least one aggregate value and distribution of said at least one aggregate value; and wherein the at least one aggregate value comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals and a second statistical measure for a second subpopulation of individuals within the plurality of individuals.

Walker et al. fails to disclose, or even suggest, a method and system as defined in amended claims 16 and 18 as set forth above.

Walker et al. is directed to a method and apparatus for processing customized group reward offers. In particular, *Walker et al.* describes a method and apparatus for tracking credit card transactions of those members of certain affinity groups, and processing information thus obtained. The only technique described by *Walker et al.* for collecting the desired financial transaction information is through Point of Sale (POS) terminals at various merchant locations. These POS terminals collect the transaction data and transmit it to a central server over a network.

However, the method and system of the present invention are directed to the collection and aggregation of health related information, not information associated with financial transactions. Moreover, amended claim 16 requires the step of “prompting each individual for health-related information, and collecting the health related information for each individual at a client device associated with each individual.” Similarly, the system of claim 18 requires “a data collection element disposed for collecting an individual value comprising health-related information for each of a plurality of individuals in the population in response to a prompt received by the client device for the health-related information.”

It is respectfully submitted that *Walker et al.* fails to disclose or even suggest, at least these aspects of the presently claimed invention. These distinctions were discussed during the personal interview conducted August 4, 2005. It was agreed at that time that *Walker et al.* failed to disclose,

or suggest, the subject matter of the presently claimed invention, as set forth in amended claims 16 and 18. Thus, withdrawal of the rejection is respectfully requested.

Conclusion

Based on the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2228, under Order No. 014030.0118N2US from which the undersigned is authorized to draw.

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Respectfully submitted,

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